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JC03 Rec'd PCT/PTO 13 AUG 2001 PCT #3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
Docket: L.P. 1825

Applicant : Erich ARMBRUSTER et al.  
Serial No. : 09/868,941  
Filed : July 16, 2001  
Title : PROCESS FOR PREPARING 1-(6-METHYLPYRIDIN-3-YL)-2-[4-(METHYLSULFONYL)PHENYL]ETHANONE

**ART STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a copy of Fiesen et al., Bioorganic & Medicinal Chemistry Letters, 8, (1998), 2777 to 2782, is discussed on page 1 of this application.

A copy International Search Report for applicants' corresponding International (PCT) patent application.

Enclosed is a copy of WO 99 15503 (WO '503). The International Search Report cited WO '503 as being particularly relevant by itself (Category X), cited Compound 5a, page 11, lines 7 to 10, and page 4, line 3, to page 5, line 22 of WO '503 as being relevant, and cited WO '503 as being relevant to Claims 1, 2 and 20 of applicants' corresponding International patent application.

Enclosed is a copy of WO 99 55830 (WO '830). The International Search Report cited WO '830 as being particularly relevant by itself (Category X), cited

Compound PE-3, and page 17, line 19, to page 18, line 7, Scheme I, of WO '830 as being relevant, and cited WO '830 as being relevant to Claims 1, 2 and 20 of applicants' corresponding International patent application.

Enclosed is a copy of WO 98 47871 (WO '871). The International Search Report cited WO '871 as being particularly relevant by itself (Category X), cited page 4, columns 22 to 25, Claim 20, page 11, Example 1, page 15, line 16, to page 16, line 3, and page 19, lines 1 to 3, of WO '871, and cited WO '871 as being relevant to Claims 1, 2 and 20 of applicants' corresponding International patent application.

Enclosed is a copy of US Patent No. 5,596,008 (Lee). The International Search Report cited Lee as being particularly relevant when combined with another reference in the same category (Category Y), cited column 9, line 40, to column 10, line 6, of Lee as being relevant, and cited Lee as being relevant to Claims 1, 2, 18 and 20 of applicants' corresponding International patent application.

Enclosed is a copy of US Patent No. 4,155,909 (Sanders et al.). The International Search Report cited Sanders et al. as being particularly relevant when combined with another reference in the same category (Category Y), cited Formula III, Scheme II, and column 2, lines 42 to 66, of Sanders et al. as being relevant, and cited Sanders et al. as being relevant to Claims 1, 2, 18 and 20 of applicants' corresponding International patent application.

Enclosed is a copy of Bray et al., J. of Organic Chemistry, American Chemical Society, Vol. 53, No. 26, (1988), pages 6115 to 6118, (Bray et al.). The

International Search Report cited Bray et al. as being particularly relevant when combined with another reference in the same category (Category Y), cited Scheme II, page 6117, left-hand column, of Bray et al. as being relevant, and cited Bray et al. as being relevant, and cited Bray et al. as being relevant to Claims 1, 2, 18 and 19 of applicants' International Search Report.

Enclosed is a copy of Badia et al., Bull. Des Societes Chimiques Belges, Pergamon Press, Vol. 98, No. 1, (1989), pages 77 to 81, (Badia et al.). The International Search Report cited Badia et al. as being relevant when combined with another reference in the same category (Category Y), cited page 77, paragraph 1 and page 79, paragraph 2 to the last paragraph of Badia et al. as being relevant to Claims 1, 2, 18 and 19 of applicants' corresponding International patent application.

Enclosed is a copy of US Patent No. 3,313,683 (Taylor). The International Search Report cited Taylor as being technological background (Category A), cited preparations 1 and 13 to 15, and column 3, line 35, of Taylor as being relevant, and cited Taylor as being relevant to Claims 2, 16 and 18 to 20 of applicants' corresponding International patent application.

Enclosed is a copy of French Patent Document No. 2,074,674 (French "674"). The International Search Report cited French '674 as being technological background (Category A), cited page 1, lines 20 to 30 and 37 to 40, Claim 5 and Example 23 of French "674 as being relevant, and cited French '674 as being

relevant to Claims 2, 16, 18 and 19 of applicants' corresponding International patent application.

Enclosed is a copy of March, Organic Chemistry: Reactions, Mechanisms, and Structure, Wiley, New York, (1992), 4<sup>th</sup> ed., (March). The International Search Report cited March as being particularly relevant when combined with another reference in the same category (Category Y). The International Search Report cited chapter 6-49, pages 964 and 965, and chapter 6-50, page 965, of March as being relevant to Claims 16, 19 and 20 of applicants' corresponding International patent application. The International Search Report cited chapter 6-12, page 895, of March as being relevant to Claims 16 and 19 of applicants' corresponding International patent application.

Enclosed is a copy of Klingsberg, Pyridine and Its Derivatives, (1964), Wiley, New York, (Klingsberg). The International Search Report cited Klingsberg as being particularly relevant when combined with another reference in the same category (Category Y), cited Part 4, Chapter 14, page 137, paragraphs b and c, of Klingsberg as being relevant, and cited Klingsberg as being relevant to Claims 16 and 19 of applicants' corresponding International patent application.

Erich ARMBUSTER et al.  
Serial No.: 09/868,941  
Art Statement



A list of the above-mentioned references is enclosed.

Date: August 13, 2001

Respectfully submitted,

Virgil H. Marsh  
Reg. No. 23,083

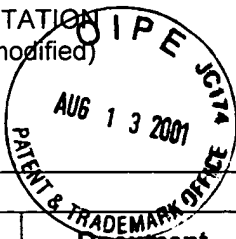
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FORM PTO-1449

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## INFORMATION DISCLOSURE

CITATION  
(modified)

Applicant: Armbuster et al.

Filing Date: 7/16/2001

Group:

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date
	5,596,008	1/21/1997	Lee			
	4,155,909	5/22/1979	Sanders et al.			
	3,313,683	4/11/1967	Taylor			

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub-Class	Translation Yes	Translation No
	WO 99/15503	4/1/1999	International				
	WO 99/55830	11/4/1999	International				
	WO 98/47871	10/29/1998	International				
	WO 98/03484	1/29/1998	International				
	2,074,674	8/10/1971	France				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	Friesen et al., Bioorg. & Med. Chem. Letters, 8, (1998), 2777-2782
	Mizzoni, (Klingsberg, Editor), Pyridine and Its Derivatives, Part chp. IV, chp. XIV, (1964), 123-141
	March, Advanced Organic Chemistry, 4 <sup>th</sup> edition, 893-895

Examiner:

Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.